

CHAPTER 9. BEES

SEC. 62.901. PURPOSE.

The State Legislature found in Food and Agricultural Code section 29000 that a healthy and vibrant apiary industry is important to the economy and welfare of the people of the State of California and the protection of the industry is in the interest of the people of the State. Food and Agricultural Code sections 29000 et seq. establish regulations for apiaries that are enforced by the Director of the State Department of Agriculture and county commissioners. This chapter establishes regulations intended to supplement the State regulations and to assist the County Commissioner to ensure that apiaries are safely maintained to benefit the citizens of San Diego County.

SEC. 62.902. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Apiary" has the same meaning as the term "apiary" in Food and Agricultural Code section 29002.

(b) "Bee smoker" means an appliance utilizing smoke or fire used to aid in manipulating or moving bees.

(c) "Bees" has the same meaning as the term "bees" in Food and Agricultural Code section 29004.

(d) "Colony" has the same meaning as the term "colony" in Food and Agricultural Code section 29006.

(e) "Commissioner" means the County Agricultural Commissioner and any person the Commissioner employs or appoints to implement or enforce this chapter.

SEC. 62.903. IDENTIFICATION SIGNS.

A person owning an apiary located on property other than where the person resides shall identify the apiary with a sign prominently displayed on the entrance side of the apiary stating in black letters not less than one inch high, on a background of contrasting color, the name of the owner or person in possession of the apiary, that person's address and telephone number or, if the person has no telephone, a statement to that effect.

SEC. 62.904. DISTANCE OF APIARY FROM ROADS.

No person shall establish or maintain an apiary or cause or allow another person to establish or maintain an apiary within 100 feet of the exterior boundary of the traveled portion of a roadway or so close to the traveled portion of a public road as to constitute a nuisance or hazard to a person using the road.

SEC. 62.905. DISTANCE FROM BUILDINGS.

No person shall establish or maintain an apiary or cause or allow another person to establish or maintain an apiary closer than 600 feet from a dwelling, other than the dwelling where the person lives.

SEC. 62.906. WATER SUPPLY REQUIRED.

The owner or operator of an apiary shall ensure that bees in the apiary have an adequate and convenient supply of fresh water available at all times, including at the time bees are first introduced at a location. If the property on which the apiary is located does not contain sufficient natural water to provide water for bees in the apiary at all times the owner or operator shall provide one or more water containers with a sufficient quantity of water to supply the apiary. The containers shall be equipped with floats to prevent the bees from drowning. The owner or operator of an apiary shall not allow a water source to become stagnant or be a mosquito breeding site.

SEC. 62.907. IMPROPERLY MANAGED BEES.

No person shall own or operate an apiary that contains one or more colonies of bees that are improperly managed. A colony of bees shall be considered improperly managed when bees from the colony are off the apiary property and sting or attempt to sting humans or animals without provocation.

SEC. 62.908. TRANSPORTATION OF BEES.

No person shall transport a colony of bees between sunrise and sunset or cause bees to be transported during that time period unless the bees are transported in a vehicle with bee-tight screens or other devices that will prevent bees from escaping from the vehicle.

SEC. 62.909. FIREBREAK.

A person who owns or operates an apiary shall maintain a firebreak not less than 30 feet wide around the apiary that meets the following specifications:

(a) Subject to subsection (c), the 10-foot wide area closest to the apiary shall be cleared of all combustible material and in the adjoining 10-foot wide area of the firebreak all combustible vegetation shall be cut or trimmed to a height no greater than 6 inches above the ground.

(b) In the outer 10-foot wide area all flammable vegetation shall be trimmed to a height no greater than 12 inches above the ground.

(c) Subsections (a) and (b) shall not be construed to require the owner or operator to cut or remove live trees, unless the fire official having jurisdiction requires trees to be cut or removed.

SEC. 62.910. FIRE FIGHTING MATERIALS.

A person who owns or operates an apiary shall at all times maintain the following fire fighting materials, in good working condition, sufficiently near the apiary so as to be immediately available in case of fire:

(a) A shovel.

(b) A fire extinguisher of either the two and one-half gallon water-under-pressure type or the five gallon back-pack pump type unless the owner or operator of the apiary obtains written approval from the fire official having jurisdiction to use some other equally effective fire extinguisher.

SEC. 62.911. BEE SMOKERS.

A person using a bee smoker shall comply with the following regulations:

(a) The bee smoker shall be plugged with a metal or hardwood plug while being transported to or from an apiary.

(b) All burning or smoldering substances within a bee smoker shall be completely extinguished with water before transporting a bee smoker to or from an apiary or the bee smoker containing these substances shall be carried in a container which is securely fastened to the vehicle used for the transporting it. The container shall be metal and shall have a top or cover made of the same material as the container. The top or cover shall be securely fastened in the closed position whenever a bee smoker is being transported.

SEC. 62.912. TRANSPORT CERTIFICATE INSPECTION AND FEE.

The Commissioner may inspect and certify an apiary when requested by the owner or shipper of an apiary, pursuant to Food and Agricultural Code sections 29140 et seq., who

requires an exportation certificate to transport an apiary to another state or country. Before the inspection the person requesting the inspection shall pay the Commissioner the fee the Board of Supervisors establishes for the inspection and certification.

SEC. 62.913. VIOLATION.

A person who violates section 62.908 shall be guilty of a misdemeanor. A person who violates any other section of this chapter shall be guilty of an infraction, except that a person who commits three or more similar violations in a twelve month period may be charged with a misdemeanor.

SEC. 62.914. NUISANCE ABATEMENT.

In addition to the authority granted the Commissioner to abate an infested hive or bee colony under Food and Agricultural Code sections 29200 et seq. the Commissioner may abate a violation of this chapter pursuant to sections 16.201 et seq.

62.915. REMEDIES CUMULATIVE.

The Commissioner may utilize any enforcement procedure authorized by this code or State law. If the Commissioner abates a nuisance under this chapter, the Commissioner may also institute a criminal prosecution against a person responsible for the public nuisance.